

LEWIS  
AND  
ROCA  
LLP  
LAWYERS

3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996  
Facsimile (702) 949-8321  
Telephone (702) 949-8320

Robert M. Charles Jr. NV State Bar No. 006593  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
John C. Hinderaker AZ State Bar No. 018024  
Email: [jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**NOTICE OF HEARING RE  
MOTION TO AMEND COURT'S  
ORDERS SUSTAINING OMNIBUS  
OBJECTIONS RE: THE CABERNET  
HIGHLANDS, LLC LOAN; AND  
CERTIFICATE OF SERVICE**

Date of Hearing: November 15, 2011  
Time of Hearing: 9:30 a.m.  
Estimated Time for Hearing: 10 minutes

**THE USACM LIQUIDATING TRUST FILED A MOTION TO AMEND  
COURT'S ORDERS SUSTAINING OMNIBUS OBJECTIONS REGARDING THE  
CABERNET HIGHLANDS, LLC LOAN. YOU FILED A CLAIM THAT  
APPEARS TO BE BASED UPON AN INVESTMENT IN THE CABERNET  
HIGHLANDS, LLC LOAN. THIS MOTION SEEKS TO DETERMINE THE  
AMOUNT OF THAT CLAIM, 20 PERCENT OF WHICH HAS BEEN ALLOWED  
BY THE COURT. THIS MOTION WILL NOT IMPACT YOUR CLAIM TO THE  
EXTENT IT IS BASED UPON AN INVESTMENT IN A DIFFERENT LOAN.**

**PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY  
COURT TO DISCUSS THE MERITS OF YOUR CLAIM. ADDRESS QUESTIONS**



**REGARDING THE CLAIM TO UNDERSIGNED COUNSEL, JOHN  
HINDERAKER (520-629-4430).**

**NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and through its counsel, has filed its Motion to Amend Court's Orders Sustaining Omnibus Objections Re: The Cabernet Highlands, LLC Loan (with Certificate of Service) (the "Motion").

The USACM Liquidating Trust has already moved to allow 20% of the Cabernet Highlands, LLC claims and the Court has granted that motion. When the USACM Trust began to process the allowed claims for payment, it realized that it had a problem because your claim was allowed by the Court in an "unknown" amount. In order for the USACM Liquidating Trust to make a distribution to you, the allowed claim must be for a specific dollar amount. Thus, this Motion asks the Court to set the dollar amount for your claim at an amount equal to your principal investment in the Cabernet Highlands, LLC Loan, or if the USACM Trust was unable to determine the amount of your investment, it will ask the Court to set the amount of your claim at zero.

**NOTICE IS FURTHER GIVEN** that the hearing on the Motion will be held before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal Building, 300 Las Vegas Blvd. South, 3<sup>rd</sup> Floor, Courtroom No. 1, Las Vegas, Nevada on **November 15, 2011, at the hour of 9:30 a.m.**

**NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON  
NOVEMBER 15, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS  
CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO  
ARGUMENTS WILL BE HEARD ON THAT DATE.**

**NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any response to the Motion must be filed and service must be completed no later than **fourteen**



**(14) days** preceding the hearing date. The opposition must set forth all relevant facts and any relevant legal authority.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and grant the Motion without formally calling the matter at the hearing.

DATED this 18th day of October, 2011.

LEWIS AND ROCA LLP

By /s/ John Hinderaker (#18024)  
 Robert M. Charles Jr. NV 6593  
 John C. Hinderaker, AZ 18024 (*pro hac vice*)  
 3993 Howard Hughes Parkway, Suite 600  
 Las Vegas, Nevada 89169  
 Telephone: (702) 949-8200  
 Facsimile: (702) 949-8398  
 E-mail: [jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)

*Attorneys for the USACM Liquidating Trust*

Copy of the foregoing  
 mailed by first class postage prepaid  
 U.S. Mail on  
 October 18, 2011 to:

The parties listed on Exhibit A attached  
 to the Motion

LEWIS AND ROCA LLP

/s/Renee L. Creswell  
 Renee L. Creswell